

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION
FINAL UTILITY ORDERS
Selected for Publication
August 2001

August 8, 2001

In the Matter of the Investigation
Into

DOCKET NO. UT-003022

U S WEST COMMUNICATIONS,
INC.'S¹

Compliance with section 271 of the
Telecommunications Act of 1996

.....

In the Matter of

DOCKET NO. UT-003040

U S WEST COMMUNICATIONS,
INC.'s

ORDER ACCEPTING MULTISTATE PROCESS

Statement of Generally available
Terms Pursuant to Section 252(f) of
the Telecommunications Act of
1996

On July 23, 2001, the Commission determined that it would join seven other states participating in the multi-state 271 proceeding for the purpose of considering Qwest's Performance Assurance Plan (PAP). ¶ 2

By participating in the multi-state proceeding, the Commission does not abdicate its responsibility under the Act to conduct a rigorous review and make recommendations to the FCC concerning Qwest's compliance with section 271. The Commission considers the facilitator's report from that proceeding to be analogous to an initial order entered by an administrative law judge or hearings examiner. The Commission reserves the right to conduct its own additional fact finding or

¹ Due a merger, U S West Communications, Inc. is now known as Qwest. The name Qwest is used throughout the order.

evidentiary hearings if it deems the issues in the multi-state proceeding to have been inadequately or incompletely addressed. ¶ 13-14.

August 17, 2001

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U S WEST COMMUNICATIONS,
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Compliance With section 271 of
the Telecommunications Act of
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In the Matter of

DOCKET NO. UT-003040

U S WEST COMMUNICATIONS,
INC.'s

FIFTEENTH SUPPLEMENTAL ORDER

Statement of Generally Available
Terms Pursuant to Section 252(f) of
the Telecommunications Act of
1996

ORDER ADDRESSING CHECKLIST ITEMS NOS.
1, 11, AND 14

Qwest must provide interconnection at any technically feasible point in accord with the provisions of sections 251(c)(2) and 252(d)(1). ¶ 10; 47 U.S.C. § 271(c)(2)(B)(i).

Before the Commission approves Qwest SGAT terms related to interconnection, collocation, resale, and number portability, Qwest must modify the SGAT to reflect the terms of this order and the Commission must evaluate the Regional Oversight Committee (ROC) Operational Support Systems (OSS) regional testing process as well as Qwest's actual performance in these areas. ¶¶ 11, 48, 81, 88.

Where a CLEC uses a DS-3 for both interconnection and access it should pay a proportionate rate based on the two applicable DS-3 rates. There is no technical impediment to use of a single entrance facility for interconnection and private lines, and proportional pricing of this facility is fair and reasonable. The principle of proportional pricing should apply in any circumstance where a service or facility has more than one applicable rate. ¶ 19-20

CLECs are entitled to agree to terms and conditions, other than those in the SGAT, for products, but must not be required to sign product agreements or side contracts containing restrictions on offerings, as the only way to obtain products contained in the SGAT. ¶27.

The SGAT must specify the geographic area being used to calculate the deposit required of a CLEC when the CLEC has a history of overforecasting. Qwest must negotiate a permanent *pro rata* formula for forecasts and utilization with the CLECs. ¶31-33.

The SGAT may not impose any limitations on where CLECs may interconnect depending on traffic volumes. ¶ 40.

ILECs and CLECs should each be responsible for the cost of facilities on their own side of the point of interconnection. Qwest must remove all rate elements from the SGAT reflecting CLEC costs, including costs for EICT (Expanded Interconnection Channel Termination). ¶ 44.

Qwest must revise its SGAT to allow CLECs to request both physical and virtual collocation without restrictions. ¶ 59; 47 U.S.C. § 251(c)(6); 47 C.F.R. § 51.323(a).

Qwest may include non-CLEC-requested regeneration costs (the cost of recreating digital signals at needed strength) in its indirect costs spread equitably to all users of its facilities, including itself. ¶ 62; FCC's *Second Report and Order*, CC Docket 93-162.

Qwest must allow set intervals between placement of orders and provisioning of orders, even for orders beyond the first five placed by a CLEC in a week. ¶ 65; WAC 480-120-560; 47 CFR § 51.323.

Qwest must post information about all premises, not just central offices, that are found to be full at a specific location, when a CLEC makes a request for space at that location ¶73-74; 47 C.F.R. § 51.321(h); WAC 480-120-560(4)(d).

Qwest may only impose grooming costs when CLECs vacate circuits upon a case-by-case demonstration of a need to collect such costs. ¶ 76.

Qwest's may not deny a quote for physical collocation based on lack of entrance facilities. ¶ 78.

Qwest must conform the SGAT to include all changes agreed upon with the Joint CLECs. ¶ 80.

Qwest may not impose on CLECs a requirement to use the more expensive Managed Cut procedure when CLECs are provisioning their own loops. ¶84

The term "coordinated cutover" refers to the cooperation Qwest provides in the porting process, rather than to the specific service offering called "Coordinated Cutover." ¶ 87.

CLECs are not required to offer resold services with the same service guarantees offered in the Qwest tariff. Any monetary credits arising out of Qwest's tariffs or price lists must be paid to resellers at the wholesale discount. ¶ 91.

When Qwest talks to CLEC resale customers who call Qwest by mistake trying to reach the CLEC, Qwest must either: (1) provide the caller with a number the caller can dial to obtain sales information from the CLEC, or (2) ask the caller whether the caller would like to hear sales information. ¶ 96.

Qwest is not required to offer a preferred manner of pricing, for example, Centrex features not subject to per-location pricing, simply because that is what the CLEC wants to sell. ¶ 102

Qwest must modify the SGAT or produce a tariff containing standard pricing for Centrex Prime within ten days of this order. ¶ 103

August 24, 2001

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Compliance With section 271 of
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In the Matter of

DOCKET NO. UT-003040

U S WEST COMMUNICATIONS,
INC.'s

ORDER REQUIRING FILING OF SETTLEMENT

Statement of Generally Available
Terms Pursuant to Section 252(f) of
the Telecommunications Act of
1996

The withdrawal of an intervenor because of a settlement is permitted only if the utility and the intervenor file a copy of their settlement agreement with the Commission. Public policy considerations require that the parties report to the Commission how they have resolved issues in dispute, not merely that they have resolved them and are withdrawing from the proceeding. ¶ 4